Previous references.
R.F 119-03.
S R 31-04
S R 109-04
S. R. 52-05.
Later references.
S. R. 49-07. 881-17. 13. Dec-08
S.R. 43-1684 to 7, 15 Dec 1916.

1906-7
(Sep Rev

File No: 1896
Serial Nos. 1-4

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1—4.

Part B. for April 1907.

SUBJECT.

Amendment to Foreign Liquor rules.

1. From the Excise Commissioner. No. 695 dt 22.6.06 submits for approval, draft notfn. providing for the sale by public auction, of the right of vending foreign Spirits and fermented liquors in retail shops and Refreshment Rooms.

2. To the Excise Comr. No 7L 459 dt 18.7.06
G. R. S. 58 Enquires what the rule in Madras is on the subject.
From the Excise Comr. No 577 dt 15.8.06.

G. R. S. 11 | 1905-6.

GENERAL AND REVENUE SECRETARIAT

(S. R)

NOTES.

S R File. No 189-A

FILE HEADING.

Amendment to Foreign Liquor Rules

From

The Excise Commissioner in Mysore

No. 695 Dated 22-6-06 Received 25-6-06

Diary No. 5537 | Enclos. / Spare Copies. | Serial No. /

BRIEF ABSTRACT OF LETTER.

Submits for approval draft notification Amendment for the sale by Public auction the right of vending Foreign Liquors in "Retail Shops" and "Refreshment Rooms"

NOTES AND ORDERS.

Flag G The Foreign Liquor Rules to now in force provide for the sale by public auction in cases of completion of Contracts of holding only "Retail Canteen Licenses"

NOTES—First sheet.

MGCPB—30,000—17-2-05.

G.R.S. 12J

General and Revenue Secretariat. | SDR File No. '89 of 1905

Serial No.

In the letter under disposal the Excise Comr states that there are several applications for a "Refreshment Room licence in the Chamarajpet of the Bangalore city and prefers to sell the right by public auction. He wants to extend this provision also to the Retail Shop licences.

2. He has not prefaced the particulars obtaining in the Madras Presidency in this respect.

3. As regards the fixing the number of shops (vide the portion marked with pencil in the draft note forming the enclosure to the letter under disposal) it seems that the Excise Comr has the liberty to do it under para VIII of Govt. Note No. 11287-80-7.3.01 dy 7th January 02 cited for ordering this.

Flag O

G.P.S.—50,000—23-10-05

(3)

G.R.S. 12]

General and Revenue Secretariat.

8h File No. 189 of 190 1

Serial No.	
Ref 0	The power given by Notfn No 11287 - Sn 3 - 1501 & 1/10-2 to the Excise Comm to make rules as the sale to cases which have not been [illegible] for by Rules framed by Govt and cannot therefore extend to a modification of the rules issued under Notfn No 11465 - Sn 3 - 1501 & 10/11/02 as is now contemplated under rule VI as it stands at present a fixed fee is provided for a Refreshment-Room license which varies with the quantity of consumption and instead of levying such a fee the right to keep a Refreshment Room is to be annually sold by public auction the rules have to be amended A refreshment room in which liquors are intended to be sold does not stand on the same basis as a li shop the question is not merely what is likely to be most profitable to Govt in
Ref 0	

NOTE—Contn. sheet

GPB—50,000—23-10-05

G.R.S. 12J
General and Revenue Secretariat.

S.R File No. 689 of 1905

Serial No.

such cases the healthy competition may do away at the commencement or raise the rates unduly high. But if there is a single Refreshment room its customers will be at the mercy of the proprietors as regards the quality of the meals supplied. But if there are more than one such competition amongst themselves will make them pay greater attention to the quality of the meals supplied more [illegible] cleanliness & surroundings &c. The latter is rarely the case in such places & therefore [illegible] impeding.

Apart from the merits the particular case the power may be delegated to the Executive Engineer and the proposed Notification seems to be all right.

Jaipur Station Depot

16/7/06

What are the rates charged on the different Stalls? Ascertain if necessary from the Executive Engineer

13/7/06

16/7/06

NOTE—Contn. sheet

GPB—50,000—23-10-05

F.R.S. 12]
General and Revenue Secretariat.

S.R. File No. 189 of 1905

Serial No.	
	Draft-ruled Place 16.7.06 MV 1 and 8 6/7/06
2	To. The Excise Commissioner No. F. 459 & 18-7-06 Enquires what the rule in Madras is on the Subject
3	From Mr. Excise Comr No 577 & 15/8/06 States that the Madras Rules on the subject are not clear & may be ascertained by a formal reference to the Board of Revenue; but that under the Residents Madura No 526. & 5th Feb 1903 the Collector can sell by auction the right to hold a refreshment Room in Licence subject to orders
4	Place 21/8/06 MV 25/8 The draft sent by H. Ex. Comm. may be issued

957
31/8/06

Note—Contn. sheet

GPB—50,000—23-10-05

G.R.S. 12]

General and Revenue Secretariat.

S.R. File No. 189 of 1905

Serial No.

Agree with Mr D'Souza in his note of 10th inst. The Excise Commr may fix the number to be licensed for each local area and levy the prescribed license fees - Issue by Executive Order creating a Monopoly of exclusive retail which seems reasonable in a case like this. Mr Depot

2104
4.9.05

4/9/05

3/5/05

GPB—50,000—23-10-05

D.O. No. 1725-2

Bangalore,
10th October 1906.

Dear Sir,

I beg to send herewith S.R. File 189-05 re Amendment of Foreign Liquor Rules for your further consideration. In your note of the 1st September you express the opinion that sale by auction is not desirable as creating a monopoly or exclusive right and you think that the Excise Commissioner may fix the number of licenses for each local area and levy the fixed license fees.

Competition as tending to promote the interests of the consumer is certainly good and can be obtained in this case by fixing the number of refreshment rooms in each local area at more than one. This is indeed what you suggest and this can be done whether the right to sell liquor therein be sold by auction or given on payment of a fixed license fee.

The system of licenses on fixed fees appears to me to be attended with certain drawbacks, which I beg to explain in some detail, from my experience of the system

as it is in force in Bangalore City. A man who gets a license in one year expects it to be continued to him from year to year as a matter of course and the abolition of a shop or the establishment of an additional one in a locality is vehemently protested against. The licensee thinks he has a vested permanent interest in the license and in some cases, he transfers his rights under the license by sale and otherwise under cover of a partnership. I had to deal with a case of this kind when I was attached to the Bangalore District, in which a licensee (A) took another man (B) as a partner, and subsequently made over to him all rights in the shop by a registered deed, but continued to keep his name as a joint licensee. Later on B applied to have the license made out in his own name alone, and after this was done A raised all sorts of objections, repudiated the registered deed of transfer and wanted his name in the license either alone or jointly with that of B. Such complications would I think be avoided by selling the right by auction.

The keeping of refreshment rooms and Foreign liquor shops, however, involves a fairly large expenditure in stocking the business and the proprietor may be put to loss by having to wind up at short notice at the end of each year. To obviate this, the term of the license may be fixed at 3 or 5 years, so that the purchaser of the right at an auction may have full scope for developing his business and realizing an adequate return and every facility for winding up at the end of the term with the least possible inconvenience.

The suggestions indicated above are -

1) The Excise Commissioner to fix the number of refreshment rooms or Foreign Liquor Shops in each local area, so as to provide for due competition and avoidance of monopoly.

2) The right to keep these refreshment rooms or Foreign Liquor Shops to be sold by auction to the highest bidder.

3) The term of the license to be 3 ~~5~~ years.

I place these suggestions before you with great deference, for your kind consideration.

Yours faithfully
C S Balasundaramayya

J. Ananda row Esquire

1183

Please see the Small revised additions / Name Madeleine - alterations

I accept your suggestions
Thus amended
12 Oct

G.R.S. 12J

General and Revenue Secretariat.

S.R File No. 189 of 190 5

Serial No.

The amendments suggested by the Undersecretary to the Dewan appear in some materials respects from the proposals made by the Excise Commissioner.

The Refreshment Rooms or Restaurants in the Kolarkvedfield, are to be particularly borne in mind in this connection

would suggest the papers being sent to the Excise Commissioner for his opinion & then circulated again

W. Kelly Cunningham
20/Dec/05

Copy
To The Excise Commissioner.

Vide Dy. No 69 & 22-10-06

Yours
W. Alexander Kelly
Secy to Govt
22/12/05

Vide note attached
Init 27 Dec

NOTE—Contn. sheet

GPB—50,000—23-10-05

I have carefully considered over the matter and have also consulted Mr Davy who after a special inspection of the place has now returned and submitted his opinion to the effect that there are no exceptional local features which render the proposed rule unreasonable or unpracticed in Kolar Gold fields which in principle has to be treated like a populous town or city. The proposal is only to give the license to the highest bidder when a shop is newly to be licensed, should there be competition for it. It would not ordinarily apply to mere cases of renewal of one's license at the opening of a new year.

Mr Davy's opinion

"I can see
"nothing in connection
"with the Gold fields
"Refreshment Rooms
"the licensees or their
"histories, to lead me
"to the conclusion
"that they should be
"placed on a different
"footing to the same
"class of licensees
"in other parts of
"the Province

With reference to Mr Balasundaram Iyer's observation as to parties coming forward as claimants of vested or hereditary interests I may point out that in the seventies & early also in the next decade such a method of treatment was introduced under Govt. order No 240-72 dt 17th Apl. 1882 But it is not now followed When a license has been cancelled for a breach & freshly, no vested interest or claim is practically recognised now.

J. Meiklejohn
27th Dec 1906

MG
7.3.07

Mysore
6/3

My dear Mr Srinivasa Iyengar

I return the file re Amendments to Foreign Service Rules. From the notes in the file you will see that the Councillors have agreed to certain suggestions made in a D.O. letter & more in the

nts - I believe that
suggestion will
some effect from
original fund - and if
the ex-Commissioners
the best not; further
him the opportunity
hand -

I am not sure -
whether the ex-Commissioner
unofficial note of 27/1
is

acceptance of the
modified proposals
Anyhow the 2sters
subsequent
note is clear & the
2nd says he concurs
h will you please see
if the reference in
the file accords with
these views of the Crs
& if necessary
will you please have it
altered suitably
Yours sincerely
C. Balasundaram

G.R.S. 12J
General and Revenue Secretariat.

S. R File No. 189 of 1905

Serial No.

Recirculated to Councillors.

1892
11-1-07

Last appointment dated 31/1/06
The rule suggested may be adopted - I visited the Old Fort recently & one or two refreshment rooms there exist. I consider the proposed rule eminently adapted to the conditions of the Fort also. 31 Jan 07

4-2-07

I concur. Some doubtful points have been made clear in the Excise Commr's note of 27 Dec 06

6-2-07

3676
7.3.07

Resubmitted to the Councillors with reference to Mr. Balasundaram's note dt 6.3.07

The "proposed rule" in the Excise Commr's note appears to refer to the draft notification proposed by him.

2257
7.3.1907

Submitted for orders whether the draft notifica

NOTE—Contn. sheet

GPB—50,000—23-10-05

G.R.S. 12J
General and Revenue Secretariat.

S/h File No. 689 of 1905

Serial No.

Rules may be framed in accordance with the suggestions made by the Under Secretary on duties with the Dewan at foot of his D.O. 10th Oct 06 —

7.3.07.

Rule draft altered & approved

Submitted for Dr (Cr) 8.3.07

Approved

9/3/07

Und in Secretary with Dewan) 11.3.07

13.3.07

1. To The Controller, Mysore Gazette No. 76-7515 & 3.4.07

~~Forwards~~ Requests him to publish the Rules in three successive issues of the Gazette in Part III thereof and, requests him to send 100 Copies to the Secretariat and as many to the Bd. Comm^rs as he may require.

NOTE—Contn. sheet

GPB—50,000—23-10-05

P.S.O.
Submission noted
& Returned

Submitted to His Highness.

The Rules regulating the sale of Foreign liquors published under notification dated 10th January 1902, contain no provision to meet cases in which Refreshment Room Licenses are applied for by more persons than one. To meet such cases, the Excise Commissioner proposes the issue of a notification empowering him to put up such licenses to auction in places where there is a liklihood of bona fide competition.

The appended draft notification may be approved.

Q

Ver 8/1907

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Certain amendments to the Foreign Liquor Rules.

680

Order.

Approved

KRW

30/3/07

B

31/3/1907

4 7E755 dt 3/4/07

7E755A dt 3/4/07 to be carried

9553 S&R 189-05

No. 695 Rgn. OFFICE OF THE EXCISE COMMISSIONER IN MYSORE.

DATED BANGALORE, 22nd June 1906.

P. N Peranaiya Esq. B.A.

Excise Commissioner in Mysore.

To

K. S. Chandra Sekhara Aiyar Esq. Ba; B.L

Secretary to the Government of His Highness the Maharaja of Mysore,

General and Revenue Departments.

Sir,

I have the honour to bring to notice that several applications have been received for a license to open at Chamarajpett Bangalore City a Refreshment Room in which the sale of liquor is combined with the supply of meals or eatables prepared and served in the European manner There was one held by Dwarakadoss Sait and Co but the license was cancelled on 28th April 1905 for some irregularities brought home to him

2 The Foreign liquor Rules published under

under Government Notification No. 11469
Ex. F. 3-19
dated 10th January 1902 do not provide
for cases in which a License is applied for
by more persons than one only the right of
holding "Retail Tavern License can be sold
by public auction.

3. I, therefore, beg to Submit for approval
the enclosed draft notification providing for
the Sale of right of vending
Foreign Spirits and Foreign fer-
-mented Liquors under the
marginally noted Licenses
when there are more applications
than one.

1 Retail Shop License
2 Refreshment Rooms

I have the honour to be,

Sir,

Your most obedient Servant

M Ruccaes

Excise Commissioner

G.R.S. 261

File No. 689 05

Serial No (2)

Diary No. of letter received to 553

No. 76459

General and Rev. Secretariat

( )

the 18-7-190 6

To The Executive Committee in Mysore

— do —

Date of issue

Signed by W. McCormick

Sir,

With reference to your letter No 0956 of the 22nd June 1906 forwarding a draft notification providing for Municipal Taxation of Foreign Liquors & Foreign Fermented Liquors in Retail Shops & Refreshment Rooms I am directed to [illegible]

over.

SUBJECT.

S.R 189-05 x 3 1807 S R

No. 577 OFFICE OF THE EXCISE COMMISSIONER IN MYSORE.

From DATED BANGALORE. 12th August 1906.

P. V. Purnaiya Esq. M.A.

Excise Commissioner in Mysore.

To

K. S. Chandrasekhara Iyer Esqre B.A.B.L.

Secretary to the Government of His Highness the Maharaja of Mysore,

General and Revenue Departments.

Sir,

In reply to your letter no: 7C459 dated 18th July 1906 enquiring what the rule in Madras is in regard to the disposal of the privilege of Keeping Refreshment Room I have the honour to state that the Madras Rule on the subject are not clear and may be definitely ascertained by a formal reference to the Board of Revenue

2. But I may here point out that according to Hon'ble the Resident's Notification no: 526, dated 5th February 1903 (Extract enclosed) the Collector of the Civil and Military Station of Bangalore may sell by auction the right to hold a refreshment Room license.

I have the honorable
Sir
Your most obedient Servant,

P. V. Purnaiya
for Excise Commissioner
in Mysore

The Hon'ble the Resident in Mysore

Bangalore

No 5-21 dated Bangalore, the 5th February 1903.

In exercise of the powers conferred by section 65 of the Excise Act, XII of 1896, as applied to the Civil and Military Station of Bangalore the Resident in Mysore is pleased to make the following rules in supersession of all previous rules, for the grant of licenses for the sale of spirits, fermented liquors and intoxicating drugs:—

× ×

2. The collector may issue licenses in the Appropriate forms appended to these rules for any of the following purposes. Rules shewing the fees fixed in each case shall be payable in respect of licenses so granted.

(1) Refreshment Room license. For the sale of Foreign liquor to be consumed on the Premises Rs 180

(2) ×
(3) ×
(4) ×
(5) ×
(6) ×
(7) ×
(8) ×
(9) ×
(10)
(11)

3: The Collector may sell by auction the right to hold any of the licenses mentioned in rule 2 for any period. ×

Extract

for Excise Commissioner
Mysore

In 6 7518 / Notifica.on
SR 189-06-4

F
7-4

5-4-17 In exercise of the powers conferred by Section 29 of the Mysore Excise Regulation V of 1901 and ~~of exercise of~~ all other powers enabling them in this behalf the Government of His Highness the Maharaja of Mysore make the following amendments to the Foreign Liquor Rules as published under Government Notification No 11,469 dated 10th Ex 7 2-1901 January 1902 and amended from time to time.

(1) Insert the following under Rule XIII

XIII a The Excise Commissioner shall

new fix the number

of Licenses to be held

under paras 2 and 5 b

of Rule II in a village,

Town or City ~~and may~~,

~~in~~ places where there is a

likelihood of bona fide

competition (in which Comm^r may) order the sale,

by public auction, of the

right of holding such

License or Licenses subject

to such conditions as

may be prescribed by him

from time to time

M Mayaty

Excise Commissioner. Secretary

) to 20 P. provided the Comm^r in forming the public opinion, and if will recommend the term of the license shall continue for three years."

(and in case of renewal of license)

9/3/07

9/3/07

9/3/07

G.R.S. 271

GENERAL AND REVENUE
SECRETARIAT.

(*Continuation Sheet, draft form.*)